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Attorney for Plaintiff
BETTY JEAN NAPIER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BETTY JEAN NAPIER,

Plaintiff,

v.

TITAN MANAGEMENT SERVICES, LLC,
a Georgia limited liability company, and
FREDERICK ALLEN HOWARD,
individually and in his official capacity,

Defendants.

Case No. C08-00910-RMW-RS

**REQUEST TO VACATE MOTION
HEARING AND CASE
MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

Plaintiff in the above-entitled action requests that the Court vacate the motion hearing and case management conference currently scheduled for July 18, 2008, at 9:00 a.m. and 10:30 a.m.

On April 25, 2008, the Court Clerk entered the default of both Defendants in this case. (Docs. 12 and 13) On May 28, 2008, Plaintiff filed a Motion for Default Judgment against both Defendants. (Doc. 17) The hearing on Plaintiff's Motion for Default Judgment is set for July 18, 2008, at 9:00 a.m. before this Court. Defendants' response to said motion was due on or before June 27, 2008, pursuant to Civil L.R. 7-3, but Defendants have not filed a response and are in default. Additionally, a Case Management Conference is set in this case for July 18, 2008, at 10:30 a.m. In light of Defendants' continued default in this matter, Plaintiff requests that the motion hearing and Case Management Conference be taken off calendar and that the Court enter a Judgment by default in this matter without requiring a further appearance by Plaintiff.

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1 Dated: July 9, 2008

/s/ Fred W. Schwinn

Fred W. Schwinn, Esq.
Attorney for Plaintiff
BETTY JEAN NAPIER

2
3 **[PROPOSED] ORDER**

4 Having considered the Plaintiff's Request to Vacate Motion Hearing and Case Management
5 Conference, the request is hereby GRANTED. (Please check all that apply)

- 6 ☐ The Case Management Conference in this matter set for July 18, 2008, at 10:30 a.m.
7 is vacated and no appearance by Plaintiff is required.
8 ☐ The hearing on Plaintiff's Motion for Default Judgment set for July 18, 2008, at 9:00
9 a.m. is hereby vacated and the matter is deemed submitted.
10 ☐ A Case Management Conference shall be held on _____, at 10:30 a.m.
11 No Case Management Statement will be required from Plaintiff.
12
13

14 Dated: _____

Honorable Ronald M. Whyte
United States District Judge